

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN DOE,

Plaintiff,

No. 2:20-cv-01076-KJM-CKD P

v.

SHANE ALDERSON,

Defendant.

ORDER

Plaintiff, a county inmate proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 21, 2020, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days.¹ Plaintiff has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law

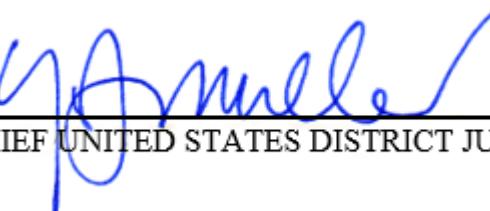
¹ While service was returned to the court as undeliverable, the Findings and Recommendations were re-served on plaintiff on October 27, 2020.

1 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court
2"). Having reviewed the file, the court finds the findings and recommendations to be
3 supported by the record and by the proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The findings and recommendations filed September 21, 2020, are adopted in full;
6 2. Plaintiff's claims against defendant Alderson for monetary damages are dismissed
7 without leave to amend because defendant is immune from such relief; and
8 3. This case is proceeding solely on plaintiff's First and Fourteenth Amendment claims
9 against defendant Alderson for injunctive relief.

10 DATED: January 28, 2021.

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12 CHIEF UNITED STATES DISTRICT JUDGE
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